

AMENDED IN SENATE SEPTEMBER 2, 1999  
AMENDED IN SENATE SEPTEMBER 1, 1999  
AMENDED IN SENATE AUGUST 25, 1999  
AMENDED IN SENATE AUGUST 16, 1999  
AMENDED IN SENATE JULY 8, 1999  
AMENDED IN ASSEMBLY JUNE 1, 1999  
AMENDED IN ASSEMBLY APRIL 27, 1999  
AMENDED IN ASSEMBLY APRIL 15, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 705**

**Introduced by Assembly Member Aroner**

February 24, 1999

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An act to add Section 1596.653 to the Health and Safety Code, relating to transport escort services.

### LEGISLATIVE COUNSEL'S DIGEST

AB 705, as amended, Aroner. Transport escort services: registration.

Existing law does not provide for the registration of transport escort services, as defined.

This bill would provide for the regulation of transport escort services as child care providers under the trustline registry established by the State Department of Social Services. Specifically, it would require a transport escort service,

defined as any person, partnership, association, or corporation that accepts financial compensation or other consideration to accompany or transport minors who are residents of this state to any ~~location outside this state, including a~~ residential facility or institution *located outside the state*, to first provide certain information to the minor's parents, custodial parent, or legal guardian and to verify in writing that the information was received. The bill would require the transport escort service to obtain permission from the minor's parents, custodial parent, or legal guardian prior to transportation of the minor. A violation of the bill's requirements would subject a transport escort service to civil action and would also be a crime punishable as a misdemeanor by fine or imprisonment, as specified. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1596.653 is added to the Health  
2 and Safety Code, to read:  
3 1596.653. (a) It is the intent of the Legislature to  
4 protect the well-being of California children by  
5 regulating private individuals and companies that  
6 transport or accompany minors to *out of state* residential  
7 facilities or institutions.  
8 (b) As used in this section:  
9 (1) "Transport escort service" means any person,  
10 partnership, association, or corporation that accepts  
11 financial compensation or other consideration to  
12 accompany or transport minors who are residents of  
13 California to any residential facility or institution *located*  
14 *outside the state*.

1 (2) “Minor” means any person under the age of 18  
2 years.

3 (3) “Department” means the State Department of  
4 Social Services.

5 (c) Every transport escort service that accompanies or  
6 transports a minor who is a resident of California to any  
7 residential facility or institution *located outside the state*,  
8 shall first provide the minor’s parents, custodial parent, or  
9 legal guardian with all of the following:

10 (1) A description of the child care provider trustline  
11 registry established pursuant to this chapter that provides  
12 criminal history checks on child care providers.

13 (2) An explanation of how a parent may obtain more  
14 information about the child care provider trustline  
15 registry.

16 (3) A statement that a transport escort service is  
17 prohibited by law from transporting or accompanying a  
18 minor unless the person or persons transporting the  
19 minor are trustline registered child care providers.

20 (4) An explanation of how the parent may verify the  
21 trustline registration of the transport escort service.

22 (5) An explanation of the minor’s right to make a  
23 complaint to a child protective agency concerning  
24 abusive treatment by the transport escort service.

25 (d) A transport escort service shall not transport or  
26 accompany a minor without obtaining the written  
27 permission of the minor’s parents, custodial parent, or  
28 legal guardian.

29 (e) The transport escort service shall verify in writing  
30 that the minor’s parents, custodial parent, or legal  
31 guardian has received the information required under  
32 subdivision (c).

33 (f) A transport escort service shall not accompany or  
34 transport a minor to any residential facility or institution  
35 *located outside the state*, unless the person or persons  
36 transporting or accompanying the minor are trustline  
37 registered child care providers.

38 (g) A minor, parent, or legal guardian claiming to be  
39 aggrieved by a violation of this section by a transport

1 escort service may bring a civil action for injunctive relief  
2 or damages, or both.

3 (h) In addition to the remedy provided in subdivision  
4 (g), a violation of this section may be prosecuted as a  
5 misdemeanor punishable by a fine of not less than five  
6 hundred dollars (\$500) or more than five thousand dollars  
7 (\$5,000) as to each person with respect to whom a  
8 violation occurs, or imprisonment in a county jail for not  
9 more than six months.

10 (i) This section does not apply to the following:

11 (1) The transport of minors by any governmental  
12 agency or employee.

13 (2) The transport of minors under the jurisdiction of  
14 the juvenile court.

15 (3) The transport of minors by family members or  
16 relatives.

17 (j) Nothing in this section shall limit any claim for  
18 damages or the issuance of any injunction that a parent  
19 or child may assert against a transport escort service  
20 pursuant to any other state or federal law or regulation.

21 SEC. 2. No reimbursement is required by this act  
22 pursuant to Section 6 of Article XIII B of the California  
23 Constitution because the only costs that may be incurred  
24 by a local agency or school district will be incurred  
25 because this act creates a new crime or infraction,  
26 eliminates a crime or infraction, or changes the penalty  
27 for a crime or infraction, within the meaning of Section  
28 17556 of the Government Code, or changes the definition  
29 of a crime within the meaning of Section 6 of Article  
30 XIII B of the California Constitution.

